UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/884,465	06/20/2001	Josee Hamel	55190-044	9640

20277 7590 12/23/2002

MCDERMOTT WILL & EMERY
600 13TH STREET, N.W.
WASHINGTON, DC 20005-3096

EXAMINER
FORD, VANESSA L

ART UNIT	PAPER NUMBER
1645	17

DATE MAILED: 12/23/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: ASSISTANT COMMISSIONER FOR PATENTS
Washington, D.C. 20231

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.

EXAMINER

ART UNIT	PAPER
	17

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

The reply filed on 10/23/02 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): Applicant's election of Group III, claims 18-23, 25 and 34 and further election of SEQ ID NO:332(VP 94) in the response and amendment filed October 23, 2002 is acknowledged.

The elected invention is drawn to an isolated polypeptide and vaccine comprising the isolated polypeptide selected from Tables B, E or H. Neither Table B, E or H include an amino acid sequence that is SEQ ID NO:332 corresponding to VP 94. Table H, page 30, includes a VP94 polypeptide corresponding to SEQ ID NO:310. Therefore, if cannot be determined from the instant specification as to which amino acid sequence the Applicant is referring to for examination. Correction is required.

It appears that Applicant has made amendments to the Tables that include amino acid sequence information. However, it can not be determined that the changes made by Applicant's amendments do not include new matter, for example, page 28, Table B, NEW35A corresponded to SEQ ID NO: 236 and was amended to NEW35A corresponding to SEQ ID NO:256. It cannot be detemined by the instant specification that the content of SEQ ID NO:236 and SEQ ID NO:256 are the same amino acid sequence, since a full sequence listing of all sequences has not been provided for a comparison.

Applicant is asked to review the specification, make approriate corrections and in the event that the amino acid sequences were given new or different sequence numbers from the amino acid sequences that were orginally filed, Applicant must provide evidence that the content of the amino acid sequences are the same.

Since the above-mentioned reply appears to be bona fide, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vanessa Ford whose telephone number is (703) 308-4735. The Examiner can normally be reached on 8:30 AM - 5:30 PM from Monday through Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynette F Smith, can be reached on (703) 308-3909. The fax phone number for the organization where this application or proceeding is assigned to is (703) 305-3014. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0196.

Vanessa L. Ford
Biotechnology Patent Examiner
December 19, 2002

RITA MINNIFIELD
PRIMARY EXAMINER
12/19/02